

REMARKS

Claim Status

Claims 1, 2, 5 and 6 are presented as composition claims in response to the Examiner's objection to the response filed on April 7, 2008 as non-responsive by virtue of presenting the claims as methods of use of oral compositions comprising copolymers of phosphate-containing monomers or polymers with other specified monomers or polymers.

Claim 1 is amended to specify that the phosphate-containing copolymers are the essential agent in the composition to increase hydrophilic character of oral surfaces and decrease pellicle film thickness.

Method Claims 7 to 9 which were cancelled because of incorporation into Claim 1 are again presented as withdrawn, being non-elected claims. Claim 7 is amended to include all the limitations of Claim 1, in preparation for the rejoining of the method claims. As indicated by the Examiner, should the compositions of Claims 1 to 6 be found allowable, Claims 7 to 9 would be rejoined in accordance with the provisions of MPEP § 821.04, if the claims depend from or include all the limitations of the patentable compositions.

No new matter is involved with the amendments to the claims. Consequently entry of these changes is believed to be in order and is respectfully requested.

Claims Rejection Under 35 U.S.C. §102(b)

The rejection of Claims 1-2 and 5-6 under 35 USC §102(b), as being anticipated by Gaffar (US 4,138,477) is respectfully traversed.

The invention as now defined in the amended claims requires a phosphate-containing copolymer as essential agent in the composition to increase hydrophilic character of oral surfaces and to decrease pellicle film thickness. The present compositions by modifying oral surfaces provide improved cleaning of oral surfaces and importantly, improved cleaning impression and aesthetics recognized by the user as smooth teeth, clean-feeling teeth, clean mouth feeling and longer lasting clean feeling. These mouth feel aesthetic benefits are significant in reinforcing to the user that using the oral composition such as by toothbrushing is working not only during use but importantly after use for extended periods of time. The present compositions provide the benefit of post brushing maintenance of smooth teeth/clean mouth condition, which is not adequately provided by brushing with conventional dentifrice compositions. As demonstrated in consumer testing, prior art dentifrice compositions provide relatively poor post brushing maintenance of smooth teeth/clean mouth condition, with perception below neutral by early afternoon following brushing in the morning. This is disappointing to consumers who expect

cleaning effects to last longer following use. The long lasting clean mouth impression results from modification of teeth and other oral surfaces to be hydrophilic. The present phosphate-containing copolymers are the essential agents providing the hydrophilic surface, which importantly, is maintained on the tooth surface for an extended period after using the present composition, e.g., by tooth brushing. *In vivo* studies show a direct correlation between consumer desirable clean teeth and smooth teeth perception and lower water contact angle surfaces or more hydrophilic surfaces.

It is respectfully submitted that there is no disclosure or any suggestion whatsoever in Gaffar of the present claimed compositions comprising specified phosphate-containing copolymers to increase hydrophilic character of oral surfaces and even less that such modification of the surface would provide consumer desirable clean teeth and smooth teeth perception and that such desirable mouth feel characteristics would last for extended periods of time. Gaffar has no recognition whatsoever of the desirability of providing increased hydrophilic character to oral surfaces in order to provide consumer preferred mouth feel characteristics or the capability of the present polymers to provide this benefit. In fact, Gaffar's disclosure is specific to zinc-polymer complexes as essential agent to control mouth odor. Gaffar's actives are polymers that are ionically bound to a zinc salt. There is absolutely no disclosure or suggestion of the phosphate polymers by themselves as surface-modifying agents.

In summary, the present claimed compositions are novel and inventive in view of the applied citation and the rejection under 35 U.S.C. §102(b) should be withdrawn.

CONCLUSION

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, reconsideration of this application, entry of the amendments presented, withdrawal of the claims rejection under 35 USC §102(b), rejoining of the non-elected method claims and allowance of all claims are respectfully requested.

Respectfully submitted,
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